



REQUEST FOR COUNCIL ACTION

Action: Need Council to take action

Meeting Date Requested

6/9/2021

Presenter: Larry Gardner

Deadline of item

6/9/2021

Department Sponsor: Community Development

Agenda Type: Public Hearing

Time Requested: 5 minutes presentation, 10 minute Council

(Council may elect to provide more or less time)

Approval Signatures (required for all transmittals)

Larry Gardner

Submitter: Larry Gardner (May 26, 2021 16:19 MDT)

Scott Langford

Dept. Head: Scott Langford (May 26, 2021 16:34 MDT)

Reviewed as to Form: *Duncan Murray* Duncan Murray (May 26, 2021 16:27 MDT)

Executive: *Mary D*

Council Office: *Cindy M. Quill*

Council Committee: _____

1. AGENDA SUBJECT

Consider approving **Ordinance No. 21-18** amending the 2009 City Code adding Accessory Dwelling Units to all R-1 Single-family Residential Zones

2. SUMMARY

The proposed text amendment will regulate internal and external accessory Dwelling Units in the zoning ordinance.

3. TIME SENSITIVITY / URGENCY

No urgency.

4. BUDGET IMPACT

No budget impacts.

5. DEPARTMENT RECOMMENDATION

Approval.

6. PLANNING COMMISSION RECOMMENDATION

Planning Commission forwards a positive recommendation.

7. MOTION RECOMMENDED

I move to approve Ordinance No. 21-18 amending the 2009 City Code adding Accessory Dwelling Units to all R-1 Single-family Residential Zones

8. PACKET ATTACHMENT(S)

- A. Staff report
- B. ADU Poll
- C. Ordinance No. 21-18
- D. Draft PC minutes
- E. PowerPoint

CITY COUNCIL STAFF REPORT

I. BACKGROUND

The proposed ordinance is the result of many months of work by the Planning Commission and City Council. Work sessions and joint meetings have been held concerning whether accessory dwelling units should be allowed in the city, where they should be allowed and what types should be allowed. In the 2021 legislative session the Legislature discussed internal accessory dwelling units as a housing type that should be allowed in single family zones in municipalities within the state. The Legislature passed House Bill 82 and the Governor sign the bill into law. In October of 2021, the law will come into effect and will allow Internal Accessory Dwelling Units (IADU) as a permitted use in all residential zones in any city in the state. The law does allow cities to pass some regulations to control adverse impacts of IADUs which will be discussed in part II of this report. The proposed ordinance will also permit and regulate external accessory dwelling units (EADU). Unlike the IADUs the city has the choice not to allow EADUs in the city. The proposed ordinance will place regulations on where and how EADUs will be located on a lot and in what zone they will be permitted. The proposed ordinance will add external accessory dwelling units as a permitted use in R-1-6, R-1-8, R-1-10, R-1-12, R-1-14, RR, RE, VLSFR, LSFR and PC zones.

II. GENERAL INFORMATION & ANALYSIS

Internal Accessory Dwelling Units. House Bill 82 was signed into law and will become effective in October 2021.

10-9a-530. Internal accessory dwelling units.

(1) As used in this section: (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

(i) within a primary dwelling;

(ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and

(iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

(b) "Primary dwelling" means a single-family dwelling that:

(i) is detached; and

(ii) is occupied as the primary residence of the owner of record.

(2) In any area zoned primarily for residential use:

(a) the use of an internal accessory dwelling unit is a permitted use; and

(b) except as provided in Subsections (3) and (4), a municipality may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:

(i) the size of the internal accessory dwelling unit in relation to the primary dwelling;

(ii) total lot size; or

(iii) street frontage.

(3) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.

(4) A municipality may:

(a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;

- (b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;
- (c) require a primary dwelling:
 - (i) to include one additional on-site parking space for an internal accessory dwelling unit, regardless of whether the primary dwelling is existing or new construction; and
 - (ii) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport;
- (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;
- (e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;
- (f) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to:
 - (i) 25% or less of the total area in the municipality that is zoned primarily for residential use; or
 - (ii) 67% or less of the total area in the municipality that is zoned primarily for residential use, if the main campus of a state or private university with a student population of 10,000 or more is located within the municipality;
- (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;
- (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;
- (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;
- (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;
- (k) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (5); and
- (l) record a notice for an internal accessory dwelling unit in accordance with Subsection (6).

External Accessory Dwelling Units. State Law does not require cities to allow EADUs as a use in the city. However, over several work and joint meetings both the City Council and Planning Commission want to allow EADUs as a use in West Jordan. Unlike IADUs the city can impose where the EADU can go and regulate its location. Based on feedback from the meetings a proposed ordinance is created that will allow EADUs in R-1-10, R-1-12, R-1-14, RR, RE, and in the LSFR, VLSFR, and PC zones on lots platted 10,000 square feet and larger. The EADUs will only be allowed in rear yards and must meet the following setbacks:

From Primary Dwelling – Six (6) feet

From Rear Property Line – Fifteen (15) feet

From interior side property lines – Eight (8) feet

From Corner Side Property Line – Twenty (20) feet

The Planning Commission and City Council held a joint meeting in March and discussed IADUs and what regulations allowed by law that the city should adopt. Alan Anderson, Council Office Director, conducted a poll at the meeting and the results are attached. Based on the poll the regulations that are proposed are:

1. Accessory dwelling units shall comply with all applicable building, health, and fire codes.
2. Only one internal accessory dwelling unit is allowed per property.

3. Accessory dwelling units are prohibited on properties if the primary dwelling is served by a failing septic tank.
4. The property owner shall obtain a business license if renting the primary or accessory dwelling unit.
5. A minimum of one (1) off street, nine foot (9') by eighteen foot (18') parking space constructed of asphalt or concrete, in addition to those already required, shall be provided for accessory dwelling units. Accessory dwelling unit parking may not be in tandem with required parking of the primary dwelling or obstruct the required parking of the primary dwelling.
6. The primary dwelling is required to maintain the minimum parking standards for the primary dwelling including the two car garage parking requirement where applicable. Attached garages required and approved as part of the primary dwelling unit may not be converted to an accessory dwelling unit unless the required two car garage is replaced on the property meeting all requirements of 2009 City Code.
7. Accessory dwelling units are not allowed with any multi-family, mobile home, or any form of attached housing units.
8. In all cases an Accessory Dwelling Unit shall remain subordinate and accessory to the primary dwelling unit.
9. An accessory dwelling unit must provide living areas for eating, sleeping and sanitation facilities separate from the primary dwelling unit.
10. The installation of a separate utility meters for accessory dwelling units is prohibited.
11. A notice of present condition will be recorded on the title of any property that has an accessory dwelling unit.

The Planning Commission at their May 4, 2021 meeting wanted regulations that only allows one ADU per lot whether internal or external but not both. The Commission also believes that all approved external accessory dwelling units should be reviewed by the Design Review Committee before approval is granted. Also, for consistency with requirements for other types of accessory structures lot coverage requirements have been added to the list of regulations. The following is the language the Planning Commission recommends for approval.

13-5B-8: ACCESSORY DWELLING UNITS:

A. All accessory Dwelling Units.

1. Accessory dwelling units shall comply with all applicable building, health, and fire codes.
2. Only one internal accessory dwelling unit is allowed per property either internal or external. At no time will both an internal and external accessory dwelling unit be allowed on the same property.
3. Accessory dwelling units are prohibited on properties if the primary dwelling is served by a failing septic tank.
4. The property owner shall obtain a business license if renting the primary or accessory dwelling unit.
5. A minimum of one (1) off street, nine foot (9') by eighteen foot (18') parking space constructed of asphalt or concrete, in addition to those already required, shall be provided for accessory dwelling units. Accessory dwelling unit parking may not be in tandem with required parking of the primary dwelling or obstruct the required parking of the primary dwelling.

6. The primary dwelling is required to maintain the minimum parking standards for the primary dwelling including the two car garage parking requirement where applicable. Attached garages required and approved as part of the primary dwelling unit may not be converted to an accessory dwelling unit unless the required two car garage is replaced on the property meeting all requirements of 2009 City Code.
7. Accessory dwelling units are not allowed with any multi-family, mobile homes, or any form of attached housing units.
8. In all cases an Accessory Dwelling Unit shall remain subordinate and accessory to the primary dwelling unit.
9. An accessory dwelling unit must provide living areas for eating, sleeping and sanitation facilities separate from the primary dwelling unit.
10. The installation of a separate utility meters for accessory dwelling units is prohibited.
11. A notice of present condition will be recorded on the title of any property that has an accessory dwelling unit.

B. External Dwelling Units.

1. External Accessory Dwelling Units (EADU) are only Permitted in the R-1-10, R-1-12, R-1-14, RR, RE. zones. EADUs in the PC, LSFR and VLSFR zone are only allowed on platted lots 10,000 square feet and larger.
2. Detached accessory dwelling structures must be built on a permanent foundation which meets the Building Code.
3. External Accessory dwelling units shall be located on the same lot with the principal building and the footprint area shall be less than the principal building.
4. External Accessory Dwelling Units are permitted in rear yards only and shall not cover more than twenty percent (20%) of the rear yard.
5. Setbacks for External Accessory Dwelling Units are: Six feet (6) from primary dwelling; fifteen feet (15) from rear property line; eight feet (8) from internal side property line and twenty feet (20) from the corner side property line.
6. External Accessory Dwelling Units (EADU) design and materials shall be similar to and compatible with the design of the primary dwelling and shall be approved by the Design Review Committee.
7. Lots with external accessory dwelling units are subject to all maximum building coverage requirements of city code.

In addition to the regulations four definitions from State Code are proposed to be added to section 13-2-3 of the zoning ordinance.

1. "Internal accessory dwelling unit" means an accessory dwelling unit created within a primary dwelling within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created.
2. "Residential unit" means a residential structure or any portion of a residential structure that is occupied as a residence.
3. "Primary dwelling" means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record.
4. "Rental dwelling" means a building or portion of a building that is used or designated for use as a residence by one or more persons available to be rented, loaned, leased, or hired out for a period of one month or longer; or arranged, designed, or built to be rented, loaned, leased, or hired out for a period of one month or longer.

1. R-1 Zones

13-5B-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in residential zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator and shall comply with title 15 of this code and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in residential zones.

Legend:
P = Permitted use
C = Conditional use
AC = Administrative conditional use

Use	R-1	R-2	R-3	R-R	R-E	R-M
<u>Accessory Dwelling Unit External¹</u>	P			P	P	
<u>Accessory Dwelling Unit Internal¹</u>	P			P	P	
Active and independent adult community		C	P			C
Adult daycare, general			C			
Adult daycare, limited	AC	AC	AC	AC	AC	AC
Assisted living facility		C	C			
Building moved from another site (see section 13-8-12 of this title)	C	C	C	C	C	C
Church/place of worship	C	C	C	C	C	C
Continuing care retirement facility/ community		C	C			
Convalescent care facility		C	C			
Dwelling, multi-family			P			
Dwelling, single-family	P	P	P	P	P	P
Dwelling, two-family		P	P			
Golf course	C	C	C	C	C	C
Group home, large			C			
Group home, small	P	P	P	P	P	P

Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance	P	P	P	P	P	P
Large scale public utilities	C	C	C	C	C	C
Manufactured/modular home ²	P	P	P	P	P	P
Mass transit railway system	P	P	P	P	P	P
Mental health care facility for elderly persons		C	C			
Mobile home						P
Mobile home park						C
Model home	P	P	P	P	P	P
Nursing home		C	C			
Public park	P	P	P	P	P	P
Residential substance abuse treatment home, large			C			
Residential substance abuse treatment home, small			AC			
Schools, K - 12	C	C	C	C	C	C
Temporary office for real estate sales and preleasing only	P	P	P	P	P	P
Transitional home, large			C			
Transitional home, small			AC			

Note:

1. Internal Accessory Dwelling Units permitted in all R-1 zones. External Accessory Dwelling Units are Permitted in R-1-10, R-1-12, R-1-14, RR and RE zones only. See 13-5B-8 for Requirements for both internal and external Accessory Dwelling Units.
2. A manufactured or modular housing structure, constructed to applicable federal or state construction standards, shall be deemed to be a permitted use if occupied as a single-family residence and may be located within this zoning district as though the structure were constructed on the site according to the international building code and other applicable standards if the structure meets or exceeds the pertinent provisions of this article for minimum living space, setback, side yard, required attached 2 car garage, and other similar building and zoning requirements.

13-5B-8: ACCESSORY DWELLING UNITS:

A. All accessory Dwelling Units.

1. Accessory dwelling units shall comply with all applicable building, health, and fire codes.
2. Only one internal accessory dwelling unit is allowed per property either internal or external. At no time will both an internal and external accessory dwelling unit be allowed on the same property.
3. Accessory dwelling units are prohibited on properties if the primary dwelling is served by a failing septic tank.

4. The property owner shall obtain a business license if renting the primary or accessory dwelling unit.
5. A minimum of one (1) off street, nine foot (9') by eighteen foot (18') parking space constructed of asphalt or concrete, in addition to those already required, shall be provided for accessory dwelling units. Accessory dwelling unit parking may not be in tandem with required parking of the primary dwelling or obstruct the required parking of the primary dwelling.
6. The primary dwelling is required to maintain the minimum parking standards for the primary dwelling including the two car garage parking requirement where applicable. Attached garages required and approved as part of the primary dwelling unit may not be converted to an accessory dwelling unit unless the required two car garage is replaced on the property meeting all requirements of 2009 City Code.
7. Accessory dwelling units are not allowed with any multi-family, mobile homes, or any form of attached housing units.
8. In all cases an Accessory Dwelling Unit shall remain subordinate and accessory to the primary dwelling unit.
9. An accessory dwelling unit must provide living areas for eating, sleeping and sanitation facilities separate from the primary dwelling unit.
10. The installation of a separate utility meters for accessory dwelling units is prohibited.
11. A notice of present condition will be recorded on the title of any property that has an accessory dwelling unit.

B. External Dwelling Units.

12. External Accessory Dwelling Units (EADU) are only Permitted in the R-1-10, R-1-12, R-1-14, RR, RE, zones. EADUs in the PC, LSF and VLSFR zone are only allowed on platted lots 10,000 square feet and larger.
13. Detached accessory dwelling structures must be built on a permanent foundation which meets the Building Code.
14. External Accessory dwelling units shall be located on the same lot with the principal building and the footprint area shall be less than the principal building.
15. External Accessory Dwelling Units are permitted in rear yards only and shall not cover more than twenty percent (20%) of the rear yard.
16. Setbacks for External Accessory Dwelling Units are: Six feet (6) from primary dwelling; fifteen feet (15) from rear property line; eight feet (8) from internal side property line and twenty feet (20) from the corner side property line.
17. External Accessory Dwelling Units (EADU) design and materials shall be similar to and compatible with the design of the primary dwelling and shall be approved by the Design Review Committee.
18. Lots with external accessory dwelling units are subject to all maximum building coverage requirements of city code.

2. Planned Community (PC) zones.

13-5C-4: PERMITTED AND CONDITIONAL USES:

A. Uses allowed in Planned Development Zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the Planning Commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this Code and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the Zoning Administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the Zoning Administrator, and shall comply with title 15 of this Code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in Planned Development Zones.

PERMITTED AND CONDITIONAL USES IN PLANNED RESIDENTIAL DEVELOPMENTS (PRD) AND PLANNED COMMUNITIES (PC)

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	PRD	PC
<u>Accessory Dwelling Unit External</u>		<u>P</u>
<u>Accessory Dwelling Unit Internal</u>	<u>P</u>	<u>P</u>
Active and independent adult community	P	P
Adult daycare, general	C	C
Adult daycare, limited	AC	AC
Assisted living facility	C	C
Athletic field	C	C
Auditorium or stadium		C
Bank or financial institution		P
Building moved from another site (see section 13-8-12 of this title)	C	C
Church/place of worship	P	P
Club		C
Continuing care retirement facility/community	C	C
Convalescent care facility	C	C

Cultural service		C
Daycare, general	AC	AC
Daycare, limited	P	P
Dwelling, multiple-family	P	P
Dwelling, single-family	P	P
Dwelling, single-family, attached (no more than 8 units per building with no more than 2 walls in common and no units above other units)	P	P
Dwelling, two-family	P	P
Gated community	C	
Government service	C	P
Group home, large	C	C
Group home, small	P	P
Hotel or motel		C
Household pets, subject to regulations of animals in title 6, chapter 3 of this Code, or successor ordinance	P	P
Large scale public utilities	C	C
Mass transit railway system	P	P
Massage therapy		P
Media service		C
Medical service	C	AC
Mental health care facility for elderly persons	C	C
Model home	P	P
Neighborhood commercial	C	P
Nursing home	C	C
Office		P
Personal care service		P
Personal instruction service		C
Preschool	AC	AC
Public park, playgrounds, and athletic areas	P	P
Reception center		C
Recreation and entertainment, indoor		P
Recreation and entertainment, outdoor		P
Repair service, limited		P
Residential substance abuse treatment home, large	C	C
Residential substance abuse treatment home, small	AC	AC
Restaurant, fast food (general)		C
Restaurant, fast food (limited)		C

Restaurant, general		P
Retail, general		P
School, vocational		P
Schools, K - 12	P	P
Secondhand store		C
Temporary office	AC	AC
Transitional home, large	C	C
Transitional home, small	AC	AC
Utility, major	C	C
Vehicle and equipment repair, limited		C ¹
Veterinarian services	C	C

Note:

1. [In the Planned Community \(PC\) zone External Accessory Dwelling Units are only permitted on lots platted 10,000 square feet and larger. See 13-5B-8 for Requirements for both internal and external Accessory Dwelling Units.](#)
2. Only if immediately adjacent to an arterial street and if not included in a residential development.

3. West Side Planning Area Zone (WSPA)

13-5J-4: PERMITTED AND CONDITIONAL USES:

A. Scope:

1. Uses allowed in the WSPA are listed in the following tables. Those uses identified with a (P) are "permitted" and allowed by right. Those uses identified with a (C) are "conditional" and require approval by the planning commission. Those uses identified with an (AC) are "administrative conditional uses" and may be approved by the zoning administrator. All uses are subject to all other applicable provisions of this code. Uses not specifically listed are not allowed in the WSPA.

2. Due to the commercial component of the MU zone, a separate land use chart has been created to differentiate the district from the four (4) zones that are entirely residential in nature.

B. Residential Permitted and Conditional Land Use Chart:

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	VLSFR	LSFR	MFR	HFR

<u>External Accessory Dwelling Unit</u> ³	P	P		
<u>Internal Accessory Dwelling Units</u> ⁴	P	P		
Active and independent adult community		C	P	P
Adult daycare, general			C	C
Adult daycare, limited	AC	AC	AC	AC
Agriculture (parcels over 5 acres) ¹	P			
Assisted living facility			C	C
Athletic field	C	C	C	C
Church/place of worship	C	C	C	C
Continuing care retirement facility/community			C	C
Convalescent care facility			C	C
Dwelling, attached single-family		P	P	P
Dwelling, detached single-family	P	P	P	
Dwelling, multi-family			P	P
Dwelling, two-family			P	P
Gated community	C	C	C	C
Golf course	C	C	C	C
Group home, large			C	C
Group home, small	P	P	P	P
Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance	P	P	P	P
Manufactured/prefabricated home ²	P	P	P	
Mass transit railway system	P	P	P	P
Mental health facility for elderly persons			C	C
Model home	P	P	P	P
Nursing home			C	C
Park, public or private	P	P	P	P
Public utilities, large scale	C	C	C	C
Public utilities, small scale	C	C	C	C
Residential substance abuse treatment home, large			C	C
Residential substance abuse treatment home, small			AC	AC
Schools, K - 12	C	C	C	C
Temporary office for real estate and preleasing	P	P	P	P
Transitional home, large			C	C

³ In VLSFR and LSFR External Accessory Dwelling Units are only permitted on lots platted 10,000 square feet and larger. See 13-5B-8 for Requirements for both internal and external Accessory Dwelling Units.

⁴ See 13-5B-8 for Requirements for internal Accessory Dwelling Units.

Transitional home, small			AC	AC
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III. FINDINGS OF FACT

Section 13-7-D-7B, requires that prior to approval the City Council must make the following findings:

Criteria 1: *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;*

Discussion: The General Plan supports keeping ordinances relevant and understandable. On Page 19 it states:

“GOAL 2. CONTINUALLY AND CONSISTENTLY UPDATE THE FUTURE LAND USE MAP, ZONING

MAP, AND ZONING ORDINANCE FOR EASE OF REFERENCE AND ADMINISTRATION.

Policy 3. The Zoning Ordinance shall be updated to incorporate necessary changes that are consistent with State Code and reflect the best and most current land use practices of the time. Zoning Ordinance modifications and updates shall be made easy for the general public and City administration to understand.

1. Consistently review the Zoning Ordinance and edit where necessary in order to eliminate redundancy and replace technical jargon with plain English.”

Finding: The proposed amendment conforms to the General Plan and is consistent with the adopted goals, objectives and policies described therein.

Criteria 2: *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;*

Discussion: The proposed amendment will add Internal Accessory Dwelling Units as permitted uses in all single family zoned property. The proposed ordinance will also add External Accessory Dwelling Units as a permitted use in the R-1-10, R-1-12, R-1-14, RR, RE, PC, VLSFR and LSFR zones based upon location and bulk requirements contained in the ordinance. The proposed ordinance may add additional moderate income housing to the city.

Finding: The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;

Criteria 3: *The proposed amendment will not create a conflict with any other section or part of this title or the general plan; and*

Discussion: The proposed amendment will impact all R-1, PC, VLSFR and LSFR zoned property. Staff has not found, at this point, any conflicts with any other sections of the 2009 City Code.

Finding: The proposed amendment will not create a conflict with any other section or part of the Municipal Code or the General Plan.

Criteria 4: *The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.*

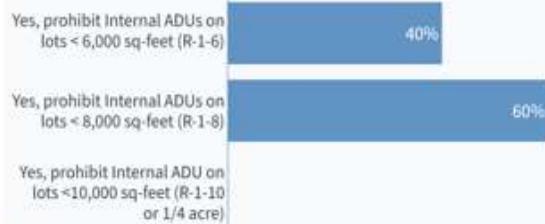
Discussion: The draft ordinance as written will have implication to all R-1, PC, VLSFR and LSFR zones. The ordinance will not relieve a particular hardship or grant special privileges to any one person or entity.

Finding: The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title(s) in light of corrections or changes in public policy.

Poll

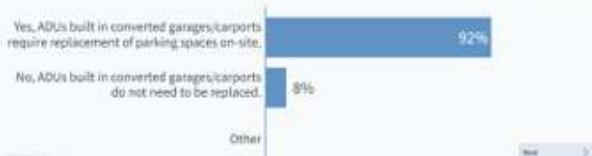
Attachment B

Prohibit INTERNAL ADUs if the lot containing the primary dwelling has _____ sq-feet or less?



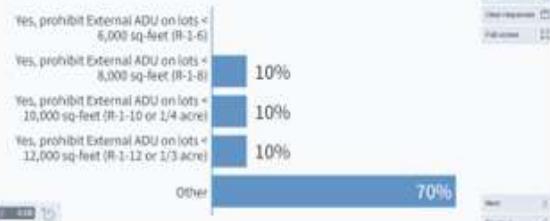
5 Responses

For Internal ADUs, replace parking spaces contained within an ADU converted garage/carport with same # of on-site parking spaces?



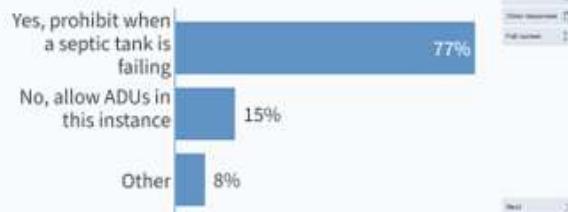
12 responses

Prohibit EXTERNAL ADUs if the lot containing the primary dwelling has _____ sq-feet or less?



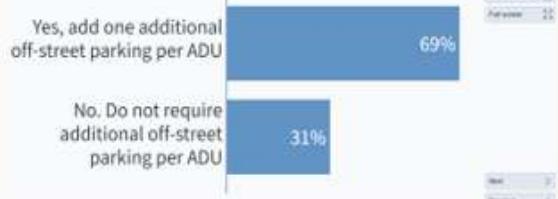
10 Responses

Prohibit Internal and External ADUs for lots with primary dwelling units serviced by failing septic tanks?



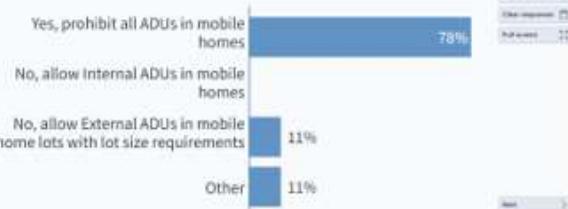
13 Responses

Do you wish to require Internal ADUs to have one additional off-street parking space as included in HB82?



13 Responses

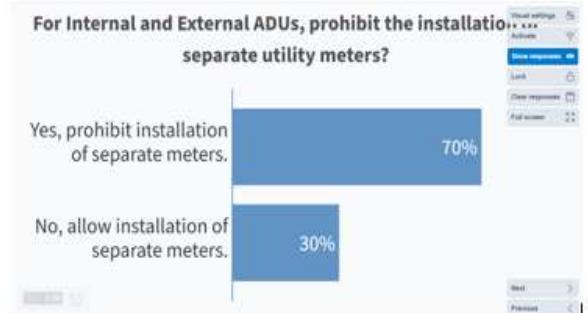
Completely prohibit Internal and External ADUs in mobile homes?



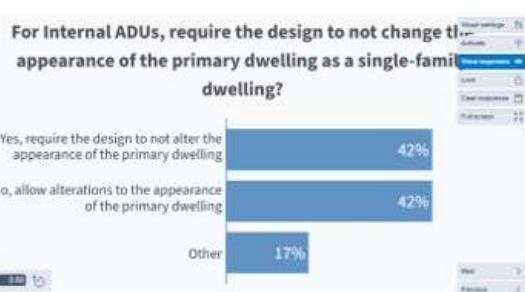
9 Responses

Poll

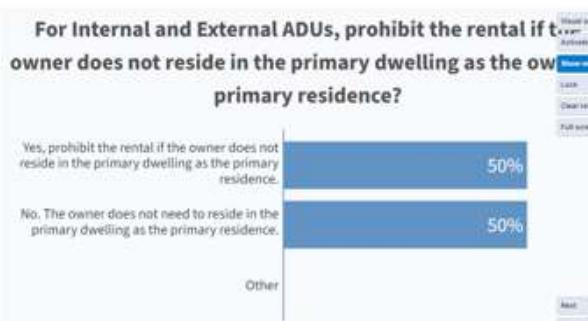
Attachment B



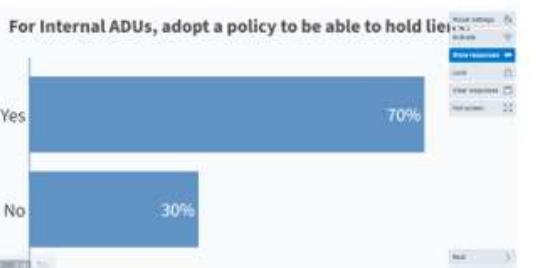
10 Responses



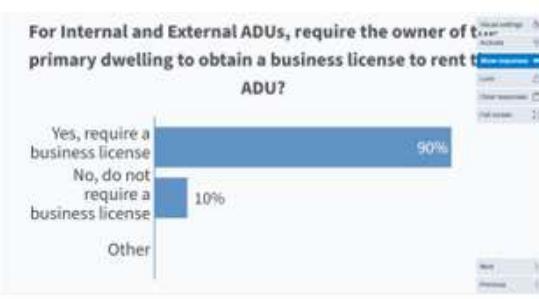
12 Responses



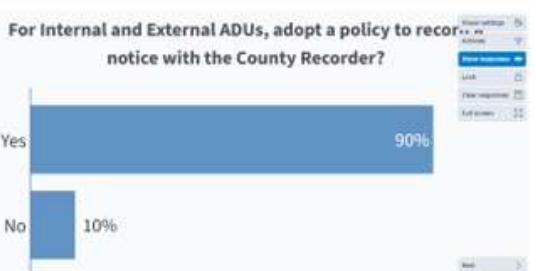
10 Responses



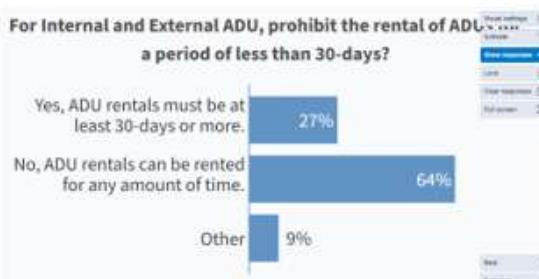
10 Responses



10 Responses



10 Responses



11 Responses

Attachment C

Ordinance

THE CITY OF WEST JORDAN, UTAH

ORDINANCE NO. 21-18

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY
CODE (ACCESSORY DWELLING UNITS FOR SINGLE FAMILY
DWELLINGS IN RESIDENTIAL ZONES)**

9 WHEREAS, the City of West Jordan (“City”) adopted West Jordan City Code (“City Code”)
10 in 2009; and

11 WHEREAS, titles 5, 8, 9, 10, 11, 12, 13, 14, and 15 of the City Code have been adopted as
12 “Land Use Regulations”, as defined by Utah Code Ann. Subsection 10-9a-103(32) or successor
13 provisions; and

14 WHEREAS, the City desires to amend and repeal certain sections of the City Code, which
15 have been adopted as Land Use Regulations (“proposed City Code amendments”); and

16 WHEREAS, the Planning Commission of the City (“Planning Commission”) held a public
17 hearing(s) on August 18, 2020 regarding the proposed City Code amendments and forwarded a
18 positive recommendation to the City Council of the City (“City Council”) on May 18, 2021
19 regarding the proposed code amendments; and

20 WHEREAS, after reviewing the Planning Commission's recommendation, and after the City
21 Council held its own public hearing on June 9, 2021 regarding the proposed City Code amendments,
22 the City Council finds it to be in the best interest of the public health, safety, and welfare to adopt
23 the following amendments to the City Code.

24 NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
25 WEST JORDAN, UTAH AS FOLLOWS:

26 **Section 1. Enacting and Amendment.** City Code Section 13-5B-8, a land use regulation
27 section, is hereby enacted, as shown on Attachment 1 to this Ordinance; and City Code Sections 13-
28 5B-2 and 13-5C-4, as well as Subsections A and B of Section 13-5J-4, all land use regulation
29 sections, are hereby amended, so that they shall now read as shown on Attachment 1 to this
30 Ordinance:

32 **Section 2. Severability.** If any provision of this Ordinance is declared to be invalid by a
33 court of competent jurisdiction, the remainder shall not be affected thereby.

35 **Section 3. Effective Date.** This Ordinance shall become effective immediately upon
36 posting or publication as provided by law and either (i) the Mayor signing the Ordinance, (ii) the
37 City Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to
38 sign or veto the Ordinance within fifteen (15) days after the City Council presents the Ordinance to
39 him.

(Continued on the following pages)

41 PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS
42 9TH DAY OF JUNE 2021.

43 CITY OF WEST JORDAN

44 By: _____
45 Zach Jacob
46 Council Chair

47 ATTEST:

48 _____
49 Cindy M. Quick, MMC
50 Council Office Clerk

51 **VOTING BY THE CITY COUNCIL** **"YES"** **"NO"**
52 Council Chair Zach Jacob
53 Council Vice Chair Kelvin Green
54 Council Member Chad R. Lamb
55 Council Member Christopher McConnehey
56 Council Member David Pack
57 Council Member Kayleen Whitelock
58 Council Member Melissa Worthen

59 **PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON _____.**

60 Mayor's Action: _____ Approve _____ Veto

61 By: _____ _____
62 Mayor Dirk Burton Date

63 ATTEST:

64 _____
65 Tangee Sloan
66 City Recorder

81 **STATEMENT OF APPROVAL OF PASSAGE** (check one)

82 The Mayor approved and signed Ordinance No. 21-18.

83 The Mayor vetoed Ordinance No. 21-18 on _____ and the
84 City Council timely overrode the veto of the Mayor by a vote of ____ to ____.

85 Ordinance No. 21-18 became effective by operation of law without the
86 Mayor's approval or disapproval.

90
91
92
93 _____
94 Tangee Sloan
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97

CERTIFICATE OF PUBLICATION

98 I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that the
99 foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the _____
100 day of _____, 2021 pursuant to Utah Code Annotated, 10-3-711.

101
102 _____
103 Tangee Sloan
104 City Recorder
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114 *(Attachment on the following page)*

[Attachment to ORDINANCE NO. 21-18
AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
(ACCESSORY DWELLING UNITS FOR SINGLE FAMILY DWELLINGS
IN RESIDENTIAL ZONES)

Legislative Version:

[Residential Zones]

13-5B-2: PERMITTED AND CONDITIONAL USES:

127 Uses allowed in residential zones are listed in the table below. Those uses identified as
128 "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this
129 article and all other applicable requirements of this title. Uses identified as "conditional" (C) must
130 be approved by the planning commission pursuant to the standards and procedures for
131 conditional uses set forth in chapter 7, article E of this title and title 15 of this code and comply
132 with all other applicable requirements of this title. Uses identified as "administrative conditional
133 uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in
134 chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning
135 administrator and shall comply with title 15 of this code and all other applicable requirements of
136 this title. Uses not specifically listed in this section shall not be allowed in residential zones.

Legend:						
P = Permitted use						
C = Conditional use						
AC = Administrative conditional use						
Use	R-1	R-2	R-3	R-R	R-E	R-M
Accessory Dwelling Unit External ¹	P			P	P	
Accessory Dwelling Unit Internal ¹	P			P	P	
Active and independent adult community		C	P			C
Adult daycare, general			C			
Adult daycare, limited	AC	AC	AC	AC	AC	AC
Assisted living facility		C	C			
Building moved from another site (see section 13-8-12 of this title)	C	C	C	C	C	C
Church/place of worship	C	C	C	C	C	C
Continuing care retirement facility/ community		C	C			
Convalescent care facility		C	C			
Dwelling, multi-family			P			

Dwelling, single-family	P	P	P	P	P	P
Dwelling, two-family		P	P			
Golf course	C	C	C	C	C	C
Group home, large			C			
Group home, small	P	P	P	P	P	P
Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance	P	P	P	P	P	P
Large scale public utilities	C	C	C	C	C	C
Manufactured/modular home ²	P	P	P	P	P	P
Mass transit railway system	P	P	P	P	P	P
Mental health care facility for elderly persons		C	C			
Mobile home						P
Mobile home park						C
Model home	P	P	P	P	P	P
Nursing home		C	C			
Public park	P	P	P	P	P	P
Residential substance abuse treatment home, large			C			
Residential substance abuse treatment home, small				AC		
Schools, K - 12	C	C	C	C	C	C
Temporary office for real estate sales and preleasing only	P	P	P	P	P	P
Transitional home, large			C			
Transitional home, small				AC		

137

138 Note:

139 1. Internal Accessory Dwelling Units permitted in all R-1 zones. External Accessory Dwelling Units are Permitted in R-1-10, R-1-12, R-1-14, RR and RE zones only. See 13-5B-8 for Requirements for both internal and external Accessory Dwelling Units.

140 2. A manufactured or modular housing structure, constructed to applicable federal or state construction standards, shall be
 141 deemed to be a permitted use if occupied as a single-family residence and may be located within this zoning district as though
 142 the structure were constructed on the site according to the international building code and other applicable standards if the
 143 structure meets or exceeds the pertinent provisions of this article for minimum living space, setback, side yard, required
 144 attached 2 car garage, and other similar building and zoning requirements.

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152 **13-5B-8: ACCESSORY DWELLING UNITS:**

153 **A. All accessory Dwelling Units.**

- 154 1. Accessory dwelling units shall comply with all applicable building, health, and fire
155 codes.
- 156 2. Only one internal accessory dwelling unit is allowed per property either internal or
157 external. At no time will both an internal and external accessory dwelling unit be
158 allowed on the same property.
- 159 3. Accessory dwelling units are prohibited on properties if the primary dwelling is
160 served by a failing septic tank.
- 161 4. The property owner shall obtain a business license if renting the primary or
162 accessory dwelling unit.
- 163 5. A minimum of one (1) off street, nine foot (9') by eighteen foot (18') parking space
164 constructed of asphalt or concrete, in addition to those already required, shall be
165 provided for accessory dwelling units. Accessory dwelling unit parking may not be
166 in tandem with required parking of the primary dwelling or obstruct the required
167 parking of the primary dwelling.
- 168 6. The primary dwelling is required to maintain the minimum parking standards for
169 the primary dwelling including the two car garage parking requirement where
170 applicable. Attached garages required and approved as part of the primary
171 dwelling unit may not be converted to an accessory dwelling unit unless the
172 required two car garage is replaced on the property meeting all requirements of
173 2009 City Code.
- 174 7. Accessory dwelling units are not allowed with any multi-family, mobile homes, or
175 any form of attached housing units.
- 176 8. In all cases an Accessory Dwelling Unit shall remain subordinate and accessory to
177 the primary dwelling unit.
- 178 9. An accessory dwelling unit must provide living areas for eating, sleeping and
179 sanitation facilities separate from the primary dwelling unit.
- 180 10. The installation of a separate utility meters for accessory dwelling units is
181 prohibited.
- 182 11. A notice of present condition will be recorded on the title of any property that has
183 an accessory dwelling unit.

184 **B. External Dwelling Units.**

- 185 1. External Accessory Dwelling Units (EADU) are only Permitted in the R-1-10, R-1-
186 12, R-1-14, RR, RE, zones. EADUs in the PC, LSFR and VLSFR zone are only
187 allowed on platted lots 10,000 square feet and larger.
- 188 2. Detached accessory dwelling structures must be built on a permanent foundation
189 which meets the Building Code.
- 190 3. External Accessory dwelling units shall be located on the same lot with the
191 principal building and the footprint area shall be less than the principal building.
- 192 4. External Accessory Dwelling Units are permitted in rear yards only and shall not
193 cover more than twenty percent (20%) of the rear yard.
- 194 5. Setbacks for External Accessory Dwelling Units are: Six feet (6) from primary
195 dwelling; fifteen feet (15) from rear property line; eight feet (8) from internal side
196 property line and twenty feet (20) from the corner side property line.
- 197 6. External Accessory Dwelling Units (EADU) design and materials shall be similar
198 to and compatible with the design of the primary dwelling and shall be approved by
199 the Design Review Committee.

200 7. Lots with external accessory dwelling units are subject to all maximum building
 201 coverage requirements of city code.

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 204 **[Planned Community (PC) Zones]**

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 206 **13-5C-4: PERMITTED AND CONDITIONAL USES:**

207 A. Uses allowed in Planned Development Zones are listed in the table below. Those
 208 uses identified as "permitted" (P) are allowed by right; provided, that they comply with all
 209 other requirements of this article and all other applicable requirements of this title. Uses
 210 identified as "conditional" (C) must be approved by the Planning Commission pursuant to
 211 the standards and procedures for conditional uses set forth in chapter 7, article E of this
 212 title and title 15 of this Code and comply with all other applicable requirements of this title.
 213 Uses identified as "administrative conditional uses" (AC) shall be approved by the Zoning
 214 Administrator pursuant to the standards set forth in chapter 7, article E of this title, except
 215 that the public hearing shall be conducted by the Zoning Administrator, and shall comply
 216 with title 15 of this Code, and all other applicable requirements of this title. Uses not
 217 specifically listed in this section shall not be allowed in Planned Development Zones.

218 **PERMITTED AND CONDITIONAL USES IN PLANNED RESIDENTIAL
 219 DEVELOPMENTS (PRD) AND PLANNED COMMUNITIES (PC)**

220

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

221

Use	PRD	PC
<u>Accessory Dwelling Unit External</u>		<u>P</u>
<u>Accessory Dwelling Unit Internal</u>	<u>P</u>	<u>P</u>
Active and independent adult community	P	P
Adult daycare, general	C	C
Adult daycare, limited	AC	AC
Assisted living facility	C	C
Athletic field	C	C
Auditorium or stadium		C
Bank or financial institution		P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C
Church/place of worship	P	P
Club		C
Continuing care retirement facility/community	C	C
Convalescent care facility	C	C
Cultural service		C

Daycare, general	AC	AC
Daycare, limited	P	P
Dwelling, multiple-family	P	P
Dwelling, single-family	P	P
Dwelling, single-family, attached (no more than 8 units per building with no more than 2 walls in common and no units above other units)	P	P
Dwelling, two-family	P	P
Gated community	C	
Government service	C	P
Group home, large	C	C
Group home, small	P	P
Hotel or motel		C
Household pets, subject to regulations of animals in title 6, chapter 3 of this Code, or successor ordinance	P	P
Large scale public utilities	C	C
Mass transit railway system	P	P
Massage therapy		P
Media service		C
Medical service	C	AC
Mental health care facility for elderly persons	C	C
Model home	P	P
Neighborhood commercial	C	P
Nursing home	C	C
Office		P
Personal care service		P
Personal instruction service		C
Preschool	AC	AC
Public park, playgrounds, and athletic areas	P	P
Reception center		C
Recreation and entertainment, indoor		P
Recreation and entertainment, outdoor		P
Repair service, limited		P
Residential substance abuse treatment home, large	C	C
Residential substance abuse treatment home, small	AC	AC
Restaurant, fast food (general)		C
Restaurant, fast food (limited)		C
Restaurant, general		P

Retail, general		P
School, vocational		P
Schools, K – 12	P	P
Secondhand store		C
Temporary office	AC	AC
Transitional home, large	C	C
Transitional home, small	AC	AC
Utility, major	C	C
Vehicle and equipment repair, limited		C ²
Veterinarian services	C	C

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223 Note:

224 1. In the Planned Community (PC) zone External Accessory Dwelling Units are only permitted on lots platted 10,000 square feet
225 and larger. See 13-5B-8 for Requirements for both internal and external Accessory Dwelling Units.

226 2. Only if immediately adjacent to an arterial street and if not included in a residential development.

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258 [West Side Planning Area Zone (WSPA)]

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260 **13-5J-4: PERMITTED AND CONDITIONAL USES:**

261 A. Scope:

262 1. Uses allowed in the WSPA are listed in the following tables. Those uses identified
263 with a (P) are "permitted" and allowed by right. Those uses identified with a (C) are
264 "conditional" and require approval by the planning commission. Those uses identified
265 with an (AC) are "administrative conditional uses" and may be approved by the zoning
266 administrator. All uses are subject to all other applicable provisions of this code. Uses not
267 specifically listed are not allowed in the WSPA.

268 2. Due to the commercial component of the MU zone, a separate land use chart has
269 been created to differentiate the district from the four (4) zones that are entirely
270 residential in nature.

271 B. Residential Permitted and Conditional Land Use Chart:

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Legend:			
	P	=	Permitted use
	C	=	Conditional use
	AC	=	Administrative conditional use

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Use	VLSFR	LSFR	MFR	HFR
Accessory Dwelling Unit External ³	P	P		
Accessory Dwelling Unit Internal ³	P	P		
Active and independent adult community		C	P	P
Adult daycare, general			C	C
Adult daycare, limited	AC	AC	AC	AC
Agriculture (parcels over 5 acres) ¹	P			
Assisted living facility			C	C
Athletic field	C	C	C	C
Church/place of worship	C	C	C	C
Continuing care retirement facility/community			C	C
Convalescent care facility			C	C
Dwelling, attached single-family		P	P	P
Dwelling, detached single-family	P	P	P	
Dwelling, multi-family			P	P
Dwelling, two-family			P	P
Gated community	C	C	C	C
Golf course	C	C	C	C
Group home, large			C	C
Group home, small	P	P	P	P

Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance	P	P	P	P
Manufactured/prefabricated home ²	P	P	P	
Mass transit railway system	P	P	P	P
Mental health facility for elderly persons			C	C
Model home	P	P	P	P
Nursing home			C	C
Park, public or private	P	P	P	P
Public utilities, large scale	C	C	C	C
Public utilities, small scale	C	C	C	C
Residential substance abuse treatment home, large			C	C
Residential substance abuse treatment home, small			AC	AC
Schools, K - 12	C	C	C	C
Temporary office for real estate and preleasing	P	P	P	P
Transitional home, large			C	C
Transitional home, small			AC	AC

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277 ¹ For agricultural uses in the VLSFR zone, the zoning standards of section 13-5A-2 of this chapter are
278 applicable, subject to the A-5 zoning criteria requirements for permitted/conditional agricultural uses and
279 lot/bulk standards.

280 ² Subject to meeting the improvement requirements of the WSPA required standards and optional
281 improvement density.

282 ³ In VLSFR and LSFR, External Accessory Dwelling Units are only permitted on lots platted 10,000 square
283 feet and larger. See 13-5B-8 for Requirements for both internal and external Accessory Dwelling Units

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301 **Clean Version:**

302

303 **[Residential Zones]**

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305 **13-5B-2: PERMITTED AND CONDITIONAL USES:**

306 Uses allowed in residential zones are listed in the table below. Those uses identified as
307 "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this
308 article and all other applicable requirements of this title. Uses identified as "conditional" (C) must
309 be approved by the planning commission pursuant to the standards and procedures for
310 conditional uses set forth in chapter 7, article E of this title and title 15 of this code and comply
311 with all other applicable requirements of this title. Uses identified as "administrative conditional
312 uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in
313 chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning
314 administrator and shall comply with title 15 of this code and all other applicable requirements of
315 this title. Uses not specifically listed in this section shall not be allowed in residential zones.

Legend:

P = Permitted use

C = Conditional use

AC = Administrative conditional use

Use	R-1	R-2	R-3	R-R	R-E	R-M
Accessory Dwelling Unit External ¹	P			P	P	
Accessory Dwelling Unit Internal ¹	P			P	P	
Active and independent adult community		C	P			C
Adult daycare, general			C			
Adult daycare, limited	AC	AC	AC	AC	AC	AC
Assisted living facility		C	C			
Building moved from another site (see section 13-8-12 of this title)	C	C	C	C	C	C
Church/place of worship	C	C	C	C	C	C
Continuing care retirement facility/ community		C	C			
Convalescent care facility		C	C			
Dwelling, multi-family			P			
Dwelling, single-family	P	P	P	P	P	P
Dwelling, two-family		P	P			
Golf course	C	C	C	C	C	C
Group home, large			C			
Group home, small	P	P	P	P	P	P

Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance	P	P	P	P	P	P
Large scale public utilities	C	C	C	C	C	C
Manufactured/modular home ²	P	P	P	P	P	P
Mass transit railway system	P	P	P	P	P	P
Mental health care facility for elderly persons		C	C			
Mobile home						P
Mobile home park						C
Model home	P	P	P	P	P	P
Nursing home		C	C			
Public park	P	P	P	P	P	P
Residential substance abuse treatment home, large			C			
Residential substance abuse treatment home, small			AC			
Schools, K - 12	C	C	C	C	C	C
Temporary office for real estate sales and preleasing only	P	P	P	P	P	P
Transitional home, large			C			
Transitional home, small			AC			

316

317 Note:

318 1. Internal Accessory Dwelling Units permitted in all R-1 zones. External Accessory Dwelling Units are Permitted in R-1-10, R-1-12, R-1-14, RR and RE zones only. See 13-5B-8 for Requirements for both internal and external Accessory Dwelling Units.

319 2. A manufactured or modular housing structure, constructed to applicable federal or state construction standards, shall be

320 deemed to be a permitted use if occupied as a single-family residence and may be located within this zoning district as though

321 the structure were constructed on the site according to the international building code and other applicable standards if the

322 structure meets or exceeds the pertinent provisions of this article for minimum living space, setback, side yard, required

323 attached 2 car garage, and other similar building and zoning requirements.

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339 **13-5B-8: ACCESSORY DWELLING UNITS:**

340 A. All accessory Dwelling Units.

- 341 1. Accessory dwelling units shall comply with all applicable building, health, and fire
342 codes.
- 343 2. Only one internal accessory dwelling unit is allowed per property either internal or
344 external. At no time will both an internal and external accessory dwelling unit be
345 allowed on the same property.
- 346 3. Accessory dwelling units are prohibited on properties if the primary dwelling is
347 served by a failing septic tank.
- 348 4. The property owner shall obtain a business license if renting the primary or
349 accessory dwelling unit.
- 350 5. A minimum of one (1) off street, nine foot (9') by eighteen foot (18') parking space
351 constructed of asphalt or concrete, in addition to those already required, shall be
352 provided for accessory dwelling units. Accessory dwelling unit parking may not be
353 in tandem with required parking of the primary dwelling or obstruct the required
354 parking of the primary dwelling.
- 355 6. The primary dwelling is required to maintain the minimum parking standards for
356 the primary dwelling including the two car garage parking requirement where
357 applicable. Attached garages required and approved as part of the primary
358 dwelling unit may not be converted to an accessory dwelling unit unless the
359 required two car garage is replaced on the property meeting all requirements of
360 2009 City Code.
- 361 7. Accessory dwelling units are not allowed with any multi-family, mobile homes, or
362 any form of attached housing units.
- 363 8. In all cases an Accessory Dwelling Unit shall remain subordinate and accessory to
364 the primary dwelling unit.
- 365 9. An accessory dwelling unit must provide living areas for eating, sleeping and
366 sanitation facilities separate from the primary dwelling unit.
- 367 10. The installation of a separate utility meters for accessory dwelling units is
368 prohibited.
- 369 11. A notice of present condition will be recorded on the title of any property that has
370 an accessory dwelling unit.

371 B. External Dwelling Units.

- 372 1. External Accessory Dwelling Units (EADU) are only Permitted in the R-1-10, R-1-
373 12, R-1-14, RR, RE. zones. EADUs in the PC, LSFR and VLSFR zone are only
374 allowed on platted lots 10,000 square feet and larger.
- 375 2. Detached accessory dwelling structures must be built on a permanent foundation
376 which meets the Building Code.
- 377 3. External Accessory dwelling units shall be located on the same lot with the
378 principal building and the footprint area shall be less than the principal building.
- 379 4. External Accessory Dwelling Units are permitted in rear yards only and shall not
380 cover more than twenty percent (20%) of the rear yard.
- 381 5. Setbacks for External Accessory Dwelling Units are: Six feet (6) from primary
382 dwelling; fifteen feet (15) from rear property line; eight feet (8) from internal side
383 property line and twenty feet (20) from the corner side property line.
- 384 6. External Accessory Dwelling Units (EADU) design and materials shall be similar
385 to and compatible with the design of the primary dwelling and shall be approved by
386 the Design Review Committee.

387 7. Lots with external accessory dwelling units are subject to all maximum building
 388 coverage requirements of city code.

389
 390

391 **[Planned Community (PC) Zones]**

392

393 **13-5C-4: PERMITTED AND CONDITIONAL USES:**

394 A. Uses allowed in Planned Development Zones are listed in the table below. Those
 395 uses identified as "permitted" (P) are allowed by right; provided, that they comply with all
 396 other requirements of this article and all other applicable requirements of this title. Uses
 397 identified as "conditional" (C) must be approved by the Planning Commission pursuant to
 398 the standards and procedures for conditional uses set forth in chapter 7, article E of this
 399 title and title 15 of this Code and comply with all other applicable requirements of this title.
 400 Uses identified as "administrative conditional uses" (AC) shall be approved by the Zoning
 401 Administrator pursuant to the standards set forth in chapter 7, article E of this title, except
 402 that the public hearing shall be conducted by the Zoning Administrator, and shall comply
 403 with title 15 of this Code, and all other applicable requirements of this title. Uses not
 404 specifically listed in this section shall not be allowed in Planned Development Zones.

405 **PERMITTED AND CONDITIONAL USES IN PLANNED RESIDENTIAL
 406 DEVELOPMENTS (PRD) AND PLANNED COMMUNITIES (PC)**

407

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

408

Use	PRD	PC
Accessory Dwelling Unit External 1		P
Accessory Dwelling Unit Internal 1	P	P
Active and independent adult community	P	P
Adult daycare, general	C	C
Adult daycare, limited	AC	AC
Assisted living facility	C	C
Athletic field	C	C
Auditorium or stadium		C
Bank or financial institution		P
Building moved from another site (see section 13-8-12 of this title)	C	C
Church/place of worship	P	P
Club		C
Continuing care retirement facility/community	C	C
Convalescent care facility	C	C
Cultural service		C

Daycare, general	AC	AC
Daycare, limited	P	P
Dwelling, multiple-family	P	P
Dwelling, single-family	P	P
Dwelling, single-family, attached (no more than 8 units per building with no more than 2 walls in common and no units above other units)	P	P
Dwelling, two-family	P	P
Gated community	C	
Government service	C	P
Group home, large	C	C
Group home, small	P	P
Hotel or motel		C
Household pets, subject to regulations of animals in title 6, chapter 3 of this Code, or successor ordinance	P	P
Large scale public utilities	C	C
Mass transit railway system	P	P
Massage therapy		P
Media service		C
Medical service	C	AC
Mental health care facility for elderly persons	C	C
Model home	P	P
Neighborhood commercial	C	P
Nursing home	C	C
Office		P
Personal care service		P
Personal instruction service		C
Preschool	AC	AC
Public park, playgrounds, and athletic areas	P	P
Reception center		C
Recreation and entertainment, indoor		P
Recreation and entertainment, outdoor		P
Repair service, limited		P
Residential substance abuse treatment home, large	C	C
Residential substance abuse treatment home, small	AC	AC
Restaurant, fast food (general)		C
Restaurant, fast food (limited)		C
Restaurant, general		P

Retail, general		P
School, vocational		P
Schools, K – 12	P	P
Secondhand store		C
Temporary office	AC	AC
Transitional home, large	C	C
Transitional home, small	AC	AC
Utility, major	C	C
Vehicle and equipment repair, limited		C ²
Veterinarian services	C	C

409

410

Note:

411

1. In the Planned Community (PC) zone External Accessory Dwelling Units are only permitted on lots platted 10,000 square feet and larger. See 13-5B-8 for Requirements for both internal and external Accessory Dwelling Units.

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2. Only if immediately adjacent to an arterial street and if not included in a residential development.

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445 [West Side Planning Area Zone (WSPA)]

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447 **13-5J-4: PERMITTED AND CONDITIONAL USES:**

448 A. Scope:

449 1. Uses allowed in the WSPA are listed in the following tables. Those uses identified
450 with a (P) are "permitted" and allowed by right. Those uses identified with a (C) are
451 "conditional" and require approval by the planning commission. Those uses identified
452 with an (AC) are "administrative conditional uses" and may be approved by the zoning
453 administrator. All uses are subject to all other applicable provisions of this code. Uses not
454 specifically listed are not allowed in the WSPA.

455 2. Due to the commercial component of the MU zone, a separate land use chart has
456 been created to differentiate the district from the four (4) zones that are entirely
457 residential in nature.

458 B. Residential Permitted and Conditional Land Use Chart:

459

Legend:			
	P	=	Permitted use
	C	=	Conditional use
	AC	=	Administrative conditional use

460

461

Use	VLSFR	LSFR	MFR	HFR
Accessory Dwelling Unit External 3	P	P		
Accessory Dwelling Unit Internal 3	P	P		
Active and independent adult community		C	P	P
Adult daycare, general			C	C
Adult daycare, limited	AC	AC	AC	AC
Agriculture (parcels over 5 acres) ¹	P			
Assisted living facility			C	C
Athletic field	C	C	C	C
Church/place of worship	C	C	C	C
Continuing care retirement facility/community			C	C
Convalescent care facility			C	C
Dwelling, attached single-family		P	P	P
Dwelling, detached single-family	P	P	P	
Dwelling, multi-family			P	P
Dwelling, two-family			P	P
Gated community	C	C	C	C
Golf course	C	C	C	C
Group home, large			C	C
Group home, small	P	P	P	P

Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance	P	P	P	P
Manufactured/prefabricated home ²	P	P	P	
Mass transit railway system	P	P	P	P
Mental health facility for elderly persons			C	C
Model home	P	P	P	P
Nursing home			C	C
Park, public or private	P	P	P	P
Public utilities, large scale	C	C	C	C
Public utilities, small scale	C	C	C	C
Residential substance abuse treatment home, large			C	C
Residential substance abuse treatment home, small			AC	AC
Schools, K - 12	C	C	C	C
Temporary office for real estate and preleasing	P	P	P	P
Transitional home, large			C	C
Transitional home, small			AC	AC

462

463 ¹ For agricultural uses in the VLSFR zone, the zoning standards of section 13-5A-2 of this chapter are
 464 applicable, subject to the A-5 zoning criteria requirements for permitted/conditional agricultural uses and
 465 lot/bulk standards.

466 ² Subject to meeting the improvement requirements of the WSPA required standards and optional
 467 improvement density.

468 ³ In VLSFR and LSFR, External Accessory Dwelling Units are only permitted on lots platted 10,000 square
 469 feet and larger. See 13-5B-8 for Requirements for both internal and external Accessory Dwelling Units

470

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD MAY 4, 2021 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Trish Hatch, Kent Shelton (remotely), Jay Thomas, Matt Quinney, Corbin England, Ammon Allen, Pamela Bloom

STAFF: Larry Gardner, Scott Langford, Mark Forsythe, Julie Davis, Mayor Burton, Brian Berndt, Nathan Nelson, Paul Brockbank, Ray McCandless

OTHERS: Ty McCutcheon, Elizabeth Cole, Daniel Woodbury, Carmen Echeverry, Clara Caroson, Jodi Hoffman, Travis Rees, Edward Kaihe, Eugene Stoyanov

**

7. Text Amendment – Accessory Dwelling Units; Amend the 2009 City Code adding Accessory Dwelling Units to all R-1 Single-family Residential Zones; city-wide applicability; City of West Jordan (applicant) [#19432]

Larry Gardner said House Bill 82 was signed into law to go into effect in October. This law makes it possible for a primary dwelling occupied by the owner on record to have an accessory dwelling unit. The city will have no regulations as far as size, location, etc. The city does not have to allow an addition to a home as an ADU. This code will allow for Internal Accessory Dwelling Units to be permitted in R-1, P-C, PRD, and in the single-family WSPA zones. Earlier in the year the City Council and Planning Commission discussed regulations that the law gives cities discretion on. At that workshop it was decided that the city also wanted to allow External Accessory Dwelling Units. The proposed ordinance would allow them in certain zoning districts. He reviewed the list of requirements for all ADUs and EADUs. He asked the Commissioners if they had any other suggestions for the setback requirements other than what is listed, such as needing to meet the same setbacks as the primary dwelling. Staff felt that the definitions need to be updated to go along with the ordinance and to be consistent with state law. Because this law does not go into effect until October, he recommended that they hold the public hearing tonight and then continue the meeting until the definitions can be created and brought back to them as part of the ordinance.

Matt Quinney didn't have an issue with the proposed setbacks.

After a discussion was held, there were questions that needed clarification: Can there be more than one EADU per property as long as setbacks can be met; Can a property have an IADU and an EADU; If they make a condition that there can't be an EADU if there is already an IADU, what happens if the EADU is built first, then state law says they have to allow the IADU; There was a question about the zones that one is allowed in – several felt that as long as the setbacks are met it didn't matter what the underlying zone was.

Larry Gardner recommended that only one EADU is allowed on a property in order to protect the integrity of single-family neighborhoods. These questions will be reviewed and answered at the next meeting.

Trish Hatch commended staff for their work on the ordinance.

There was a discussion regarding building materials. The survey at the workshop for this topic had a split opinion. Larry Gardner recommended they put it in the ordinance as a point of conversation.

Matt Quinney recommended that the Design Review Committee review each of the EADUs for design. Also, he didn't think that they should prohibit any kinds of materials outright if there is a proven technique that is acceptable.

Larry Gardner said staff will do some research to see if any materials could be required or prohibited.

Trish opened the public hearing.

1. Further public comment was closed at this point for this item.

MOTION: **Corbin England moved to continue the Text Amendment regarding Accessory Dwelling Units to the May 18, 2021 meeting. The motion was seconded by Pamela and passed 7-0 in favor.**

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD MAY 18, 2021 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Trish Hatch, Jay Thomas, Corbin England, Matt Quinney, Ammon Allen, Pamela Bloom (remotely), Kent Shelton (remotely).

STAFF: Scott Langford, Larry Gardner, Duncan Murray, Dirk Burton, Julie Davis, Brian Berndt, Ray McCandless, Mark Forsythe

OTHERS: Steven Losee, Ron McDougal, Randy McDougal, Jake Woodward. Those attending remotely were Jeff Hammond, Susan Breinholt, Colonel, John Semnani, Ken Dodson, Satar Tabriz, Scott Howell

**

7. **Text Amendment – Accessory Dwelling Units; Continued from 5-4-21; Amend the 2009 City Code adding Accessory Dwelling Units to R-1 (Single-family Residential), RR (Rural Residential), RE (Residential Estate), VLSFR (Very Low Density Residential), LSFR (Low Density Residential) P-C (Planned Community), and PRD (Planned Residential Development) Zones; city-wide applicability; City of West Jordan (applicant) [#19432]**

Larry Gardner said that this business item was continued from the last meeting so that he could add definitions from state code into the ordinance. Comments at the last meeting included needed regulations to limit each property to only one ADU either internal or external. That limitation will help to maintain a semblance of single-family residential. Staff added some other regulations in

order to be consistent with the current accessory structure code dealing with structure size and lot coverage. Item B6 came from the Planning Commission recommendation that the Design Review Committee review EADUs for design and materials that need to be similar to and compatible with the primary dwelling.

There was a brief discussion regarding limiting the size of the EADU to a certain percentage. It was agreed that between B4 and B7 that will sufficiently establish the maximum size allowed. IADU size is not limited per state code other than to be subordinate to the primary unit. Also, the state legislature will most likely be reviewing external units, which may establish limits. This would be a good discussion point for the city council.

Regulation A11 will require a notice of condition that the property owner will sign and acknowledge that the ADU will count as an internal unit for the purposes of state code even if it is an EADU. The intent of the law is to allow one accessory dwelling somewhere on the property. The notice of condition is essentially a contract and with the regulations in the ordinance there is more than ample legal authority to prevent the City from having to approve an additional ADU. Staff will continue to track any amendments that the state legislature might enact.

There was a discussion on which zonings EADUs should be allowed in and if they should be allowed in any zone if they meet setback, size, and lot coverage regulations. The amendment was based on information gathered from the poll taken at the work meeting, which was split. Staff will make a note of the suggestion in the staff report so that it can be a topic of discussion at the city council meeting.

MOTION: **Matt Quinney moved to forward a positive recommendation to the City Council to Amend the 2009 City Code adding Accessory Dwelling Units to R-1 (Single-family Residential), RR (Rural Residential), RE (Residential Estate), VLSFR (Very Low Density Residential), LSFR (Low Density Residential), P-C (Planned Community), and PRD (Planned Residential Development) Zones. The motion was seconded by Corbin England and passed 6-1 in favor with Kent Shelton casting the negative vote.**

6b ADU Ordinance

Final Audit Report

2021-05-27

Created:	2021-05-26
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"6b ADU Ordinance" History

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